

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	4:08CR3030
)	
v.)	
)	
CHARLES M. MCMILLIN,)	MEMORANDUM AND ORDER
)	
Defendant.)	

The defendant has filed an unopposed motion to continue the evidentiary hearing on his motion to dismiss. (Filing No. [49](#)). The defendant explains the parties are currently attempting to resolve this case by negotiations, but those efforts will not be complete before July 24, 2009, the current hearing date on defendant's pending motion. The defendant requests the hearing be continued for at least 30 days. The defendant's motion will be granted. Accordingly,

IT IS ORDERED:

- 1) The defendant's motion to continue, (filing no. [49](#)), is granted.
- 2) A one and one-half hour evidentiary hearing on defendant's motion to dismiss (filing no. [21](#)) will be held on Thursday, September 10, 2009, at 12:00 noon, before the undersigned United States district judge, in Courtroom No. 1, United States Courthouse and Federal Building, 100 Centennial Mall North, Lincoln, Nebraska. The defendant shall be present unless excused by the court.

- 3) Based upon the showing set forth in the defendant's motion and the representations of defendant's counsel, the Court further finds that the ends of justice will be served by continuing the motion hearing; and that the purposes served by continuing the hearing outweigh the interest of the defendant and the public in a speedy trial. Accordingly, the time between today's date and September 10, 2009 shall be excluded for speedy trial calculation purposes. 18 U.S.C. § 3161(h)(7)(A).

DATED this 23rd day of July, 2009.

BY THE COURT:

Richard G. Kopf

United States District Judge